
HOUSE BILL 1642

State of Washington 60th Legislature 2007 Regular Session

By Representatives Pedersen, Lantz, Williams, Moeller, Wood, Kirby, O'Brien, Chase, Ormsby and Green

Read first time 01/24/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to criminal violations of no-contact orders,
2 protection orders, and restraining orders; amending RCW 26.50.110;
3 creating a new section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds this act necessary to
6 restore and make clear its intent that a willful violation of a
7 no-contact provision of a court order is a criminal offense and shall
8 be enforced accordingly to preserve the integrity and intent of the
9 domestic violence act. This act is not intended to broaden the scope
10 of law enforcement power or effectuate any substantive change to any
11 criminal provision in the Revised Code of Washington.

12 **Sec. 2.** RCW 26.50.110 and 2006 c 138 s 25 are each amended to read
13 as follows:

14 (1)(a) Whenever an order is granted under this chapter, chapter
15 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid
16 foreign protection order as defined in RCW 26.52.020, and the
17 respondent or person to be restrained knows of the order, a violation

1 of any of the following provisions of the order is a gross misdemeanor,
2 except as provided in subsections (4) and (5) of this section:

3 (i) The restraint provisions(~~(, or of)~~) prohibiting contact with a
4 protected party;

5 (ii) A provision excluding the person from a residence, workplace,
6 school, or day care(~~(, or of)~~);

7 (iii) A provision prohibiting a person from knowingly coming
8 within, or knowingly remaining within, a specified distance of a
9 location(~~(, or of)~~); or (~~of~~)

10 (iv) A provision of a foreign protection order specifically
11 indicating that a violation will be a crime(~~(, for which an arrest is~~
12 required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor
13 except as provided in subsections (4) and (5) of this section).

14 (b) Upon conviction, and in addition to any other penalties
15 provided by law, the court may require that the respondent submit to
16 electronic monitoring. The court shall specify who shall provide the
17 electronic monitoring services, and the terms under which the
18 monitoring shall be performed. The order also may include a
19 requirement that the respondent pay the costs of the monitoring. The
20 court shall consider the ability of the convicted person to pay for
21 electronic monitoring.

22 (2) A peace officer shall arrest without a warrant and take into
23 custody a person whom the peace officer has probable cause to believe
24 has violated an order issued under this chapter, chapter 7.90, 10.99,
25 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order
26 as defined in RCW 26.52.020, that restrains the person or excludes the
27 person from a residence, workplace, school, or day care, or prohibits
28 the person from knowingly coming within, or knowingly remaining within,
29 a specified distance of a location, if the person restrained knows of
30 the order. Presence of the order in the law enforcement computer-based
31 criminal intelligence information system is not the only means of
32 establishing knowledge of the order.

33 (3) A violation of an order issued under this chapter, chapter
34 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign
35 protection order as defined in RCW 26.52.020, shall also constitute
36 contempt of court, and is subject to the penalties prescribed by law.

37 (4) Any assault that is a violation of an order issued under this
38 chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of

1 a valid foreign protection order as defined in RCW 26.52.020, and that
2 does not amount to assault in the first or second degree under RCW
3 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in
4 violation of such an order that is reckless and creates a substantial
5 risk of death or serious physical injury to another person is a class
6 C felony.

7 (5) A violation of a court order issued under this chapter, chapter
8 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign
9 protection order as defined in RCW 26.52.020, is a class C felony if
10 the offender has at least two previous convictions for violating the
11 provisions of an order issued under this chapter, chapter 7.90, 10.99,
12 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order
13 as defined in RCW 26.52.020. The previous convictions may involve the
14 same victim or other victims specifically protected by the orders the
15 offender violated.

16 (6) Upon the filing of an affidavit by the petitioner or any peace
17 officer alleging that the respondent has violated an order granted
18 under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34
19 RCW, or a valid foreign protection order as defined in RCW 26.52.020,
20 the court may issue an order to the respondent, requiring the
21 respondent to appear and show cause within fourteen days why the
22 respondent should not be found in contempt of court and punished
23 accordingly. The hearing may be held in the court of any county or
24 municipality in which the petitioner or respondent temporarily or
25 permanently resides at the time of the alleged violation.

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